

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested. Claims 1-42 are pending, Claims 1, 18, 32, 35 and 37-42 having been amended by way of the present amendment.

In the outstanding Office Action, Claims 1, 2, 4-10, 12-19, 21-26, 28-32 and 35-42 were rejected as being unpatentable over Tomita et al. (U.S. Patent No. 6,100,884) in view of Lawler et al. (U.S. Patent No. 5,585,838) and further in view of Mankovitz (U.S. Patent No. 5,949,492); Claims 3, 11, 20, 27, 33 and 34 were rejected as being unpatentable over Tomita in view of Lawler and Mankovitz and in further view of Yoshinobu et al. (U.S. Patent No. 5,686,954); Claims 1, 2, 5-10, 12-19, 22-26, 28-32 and 35-42 were rejected as being unpatentable over Tomita in view of The Korea Herald (XBF, 10 July 1997, page 7) and in further view of Mankovitz; Claims 4 and 21 were rejected as being unpatentable over Tomita in view of The Korea Herald and Mankovitz and in further view of Lawler et al. (U.S. Patent No. 5,585,838); Claims 3, 11, 20, 27, 33 and 34 were rejected as being unpatentable over Tomita in view of The Korea Herald and Mankovitz and in further view of Yoshinobu; Claims 1, 2, 5-10, 12-19, 22-26, 28-32 and 35-42 were rejected as being unpatentable over Tomita in view of NPR and in further view of Mankovitz; Claims 4 and 21 were rejected as being unpatentable over Tomita, NPR, Mankovitz, and in further view of Lawler; and Claims 3, 11, 20, 27, 33 and 34 were rejected as being unpatentable over Tomita in view of NPR, Mankovitz and Yoshinobu.

Applicants appreciatively acknowledge the courtesy extended by Examiner Hwang by holding an interview with the undersigned on August 26, 2005. During the interview, differences were discussed between the prior art and the present invention, as will be discussed below.

Each of the rejections in the present Office Action are substantially the same as those in the Office Action of January 27, 2005, but are also based on the tertiary reference of Mankovitz. The Office Action recognizes that neither Tomita nor Lawler explicitly disclose storing time identified while the contents is being broadcast. Mankovitz is asserted for this feature. However, as discussed during the interview, Mankovitz is actually directed to a system in which “auxiliary information” is transmitted with the broadcast signal and so the receiver in Mankovitz receives the station or channel, day and time (SDT). The storing of the SDT is a fundamental aspect in Mankovitz because it is the basis by which the identification of the broadcast information may be obtained (see e.g., column 8, lines 30-54). For example, as discussed at column 12, beginning at line 62, when a user tunes the receiver 100 to a station the user may press the “broadcast info key 112”. Therefore, the CPU stores an identification of the station along with the time of the clock at which the broadcast key info is pressed. The storage of this information is then used to retrieve the content.

Claim 1, for example, has been amended to clarify that time information, but not station information, is stored. As discussed during the interview, a feature of the present invention is that the user need not know what station is broadcasting the content. Rather, the user only needs a mechanism by which time is recorded and the use of that time information may then be the basis for which the user can perform a search through the searching unit.

In Claim 1, for example, there is both an inputting unit that stores the time, but not station information, and also a searching unit. The searching unit allows for the contents to be identified based on the time. In a non-limiting example and as discussed during the interview, Figure 10 shows the different content that was being broadcast at different radio stations when the “bookmark” time was recorded. The user then may choose to listen or otherwise confirm the content before downloading or ordering the content. However, the

inventive system of amended Claim 1 does not need the user, or a component used by the user, to record the station information.

As requested in the Interview Summary, support for the amendment to Claim 1 is found throughout the specification, but the undersigned points to page 33, lines 1-10, and the discussion beginning at page 74, line 10, continuing to page 76. Thus no new matter is added.

Comparing amended Claim 1 with Tomita, Lawler and in further view of Mankovitz, neither Tomita nor Lawler describe the storing of time identified while the contents is being broadcast. Furthermore, Mankovitz does not disclose, teach or suggest storing at least time, but not station information. Mankovitz works on a completely different system, which uniquely identifies the content by storing the station or channel, day and time in a memory. This allows the user to immediately identify the contents that was being broadcast from that station at a given time. Once again, the invention defined by amended Claim 1 distinguishes Mankovitz by not recording the station information, but rather relying on a system that (independent from the inputting device) allows the user to subsequently compare different broadcast content from different stations at a particular time that was stored by the first storing means.

Consequently, it is respectfully submitted that no matter how Tomita, Lawler and Mankovitz are combined, the combination does not teach or suggest all of the features of amended Claim 1. Furthermore, it is respectfully submitted that no matter how these three references are combined, the combination does not teach or suggest the present invention, which stores at least time information but not station information yet still provides a searching unit that is able to search for the content based on the at least time information, but not station information. Consequently it is respectfully submitted that amended Claim 1 patentably defines over the asserted prior art. Although of differing scope and/or statutory

class, each of the other Claims 2-42 stand rejected as being unpatentable over at least Tomita and Mankovitz. The secondary, tertiary or quaternary references do not cure the deficiencies with regard to Tomita and Mankovitz as discussed above with regard to amended Claim 1, and each of the pending claims include the feature of "time, but not station information," which distinguishes Mankovitz among the other prior art.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-42, as amended, is patentably distinguishing over the prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

  
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Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

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